

S.No.111

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-40089 of 2019 (O&M)

Date of Decision:19.09.2019

Varinder SinghPetitioner

Vs.

State of PunjabRespondent

CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amandeep Singh, Advocate
for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.59 dated 01.05.2017 registered under Section 379-B(2) IPC at Police Station Haibowal, District Ludhiana as his bail bonds have been cancelled vide order dated 17.05.2019 passed by Additional Sessions Judge, Ludhiana.

It is contended by learned counsel for the petitioner that in this very case, the petitioner was granted bail by the trial Court. Thereafter, the petitioner had been appearing regularly to face the proceedings. However, on 17.05.2019, the petitioner could not appear before the trial Court, as a result, the bail granted to the petitioner has been cancelled. The warrants of arrest have been issued. Hence, the petitioner apprehends his arrest. It is further submitted that the non-appearance of the petitioner before the trial Court was not intentional. Rather, the same happened because while coming to the Court, the petitioner met with an accident on the same date. Still further, it is submitted that the petitioner does not have any intention to flee from course of justice. He intends to appear before the trial Court to face the further proceedings in accordance with law. The only prayer is that

the petitioner be protected against his arrest.

Notice of motion.

Mr. K.S. Aulakh, DAG, Punjab, accepts notice on behalf of the State. Learned State Counsel does not have any objection if the petitioner appears before the trial Court to face further proceedings.

The objective of the coercive mechanism prescribed under the Code of Criminal Procedure is to ensure that the accused remains present before the Court to receive the orders and punishments as are passed qua the accused. If the accused shows his sincere intention and desire to appear before the Court, then it would not be unjustified to protect him from being arrested.

In view of the above, the present petition is allowed subject to the petitioner appearing before the trial Court on or before 24.09.2019. It is further directed that in case the petitioner so appears before the trial Court on or before 24.09.2019 then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of the trial Court/ Duty Magistrate.

September 19, 2019
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No